

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PATRICK R. VIANCOURT	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 20-628
	)	Judge Nora Barry Fischer
PARAGON WHOLESALE FOODS CORP.,	)	
	)	
Defendant.	)	

**ORDER OF COURT**

AND NOW, this 31<sup>st</sup> day of March, 2023, in accordance with the foregoing Memorandum Opinion,

IT IS HEREBY ORDERED that the Report and Recommendation (“R&R”) dated February 15, 2023, (Docket No. [121]) is adopted, in part and rejected, in part;

IT IS FURTHER ORDERED that the parties’ cross-motions for summary judgment are [96] [99] granted, in part, and denied, in part.

IT IS FURTHER ORDERED that summary judgment is entered in favor of Defendant Paragon Wholesale Foods Corp. and against Plaintiff Patrick R. Viancourt as to Counts I, II and III of his Amended Complaint;

IT IS FURTHER ORDERED that summary judgment is entered in favor of Plaintiff Patrick R. Viancourt and against Defendant Paragon Wholesale Foods Corp as to Count IV in his Amended Complaint;

IT IS FURTHER ORDERED that Count V in Plaintiff’s Amended Complaint (Docket No. [25] is DISMISSED, as the parties report that count has been resolved. (Docket No. 101 at 2, n.1).

FINALLY, this matter is referred back to U.S. Magistrate Judge Lisa Pupo Lenihan for further proceedings.

*s/Nora Barry Fischer*  
Nora Barry Fischer  
Senior U.S. District Judge